

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

IN RE:  
THOMAS G. DAVIDSON  
Debtor  
Address: 6918 VELVET ANTLER DRIVE  
Midlothian, VA 23112  
Last four digits of Social Security No.(s): XXX-XX-5438

BCN #: 12-32765\KRH  
Chapter: 13

NOTICE OF MOTION

SUNTRUST MORTGAGE, INC. has filed papers with the court to request an order granting relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before December 25, 2013, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street  
Room 4000  
Richmond, VA 23219

You must also mail a copy to:

Susan C. Meyer, Esq.  
SHAPIRO BROWN & ALT, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462  
(757) 687-8777

- Attend the hearing on the motion or objection scheduled to be held on January 15, 2014 at the United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219 in Courtroom 5000 at 9:30 AM.

Susan C. Meyer, Esq.  
SHAPIRO BROWN & ALT, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462 Attorneys for SUNTRUST MORTGAGE, INC.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

09-174967D

Dated: December 11, 2013

SHAPIRO BROWN & ALT, LLP  
Attorneys for SUNTRUST MORTGAGE, INC.

By: /s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445  
SHAPIRO BROWN & ALT, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462  
(757) 687-8777

#### CERTIFICATE OF SERVICE

I certify that I have this 11th day of December, 2013, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Yvonne Cochran  
Cochran Law Firm, PC  
4509 West Broad Street  
Richmond, VA 23230

Carl M. Bates  
Chapter 13 Trustee  
Post Office Box 1819  
Richmond, VA 23218

Thomas G. Davidson  
6918 VELVET ANTLER DRIVE  
Midlothian, VA 23112

/s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445

United States Bankruptcy Court  
Eastern District of Virginia  
Richmond Division

In RE:  
Thomas G. Davidson  
Debtor

BCN#: 12-32765\KRH  
Chapter: 13

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SUNTRUST MORTGAGE, INC.  
or present noteholder,  
Movant/Secured Creditor,

Motion for Order Granting Relief

v.  
Thomas G. Davidson  
Debtor  
and  
Carl M. Bates  
Trustee  
Respondents

SUNTRUST MORTGAGE, INC., and/or present noteholder, (hereinafter “the Movant”),  
alleges as follows:

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.

2. That the above named Debtor filed a Chapter 13 Petition in Bankruptcy with this Court on May 3, 2012.

3. That Carl M. Bates has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.

4. That the subject deed of trust secures a parcel of real property (hereinafter “the Property”) with the address of 6918 VELVET ANTLER DRIVE, Midlothian, VA 23112 and more particularly described in the Deed of Trust dated April 1, 2003 and recorded as Deed Book/Instrument Number 5015 at Page 722 among the land records of the said city/county, as:

Susan C. Meyer, Esq.  
SHAPIRO BROWN & ALT, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462 Attorneys for SUNTRUST MORTGAGE, INC.

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THERETO BELONGING, LYING AND BEING IN THE COUNTY OF CHESTERFIELD, VIRGINIA, SHOWN AND DESIGNATED AS LOT 64, BLOCK L, SECTION 2, ON SUBDIVISION PLAT OF DEER RUN, RECORDED IN THE CLERK'S OFFICE, CIRCUIT COURT OF CHESTERFIELD COUNTY, VIRGINIA IN PLAT BOOK 57, PAGE 42, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY HEREBY CONVEYED.

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

6. That the Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust since the filing of the Chapter 13 petition.

The Debtor is due for:

- o 5 post-petition monthly payments of \$429.05 each which were to be paid directly to Movant;
- o Bankruptcy Fees of \$650.00
- o Bankruptcy Costs of \$176.00
- o Suspense Balance of -\$43.96
- o Total of \$2,927.29

7. The unpaid principal balance on the said note is \$36,926.48.

8. That an amended proof of claim for pre-petition arrears was filed with this Court on Movant's behalf on May 20, 2013, in the amount of \$3,377.56.

9. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the deed of trust, but is prevented by the Automatic Stay from going forward with these proceedings.

10. That continuation of the automatic stay pursuant to 11 U.S.C. §362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362.

11. That the Movant has requested that the Court hear this matter on January 15, 2014 at 9:30 AM.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees and costs expended, and for such other and further relief as the Court and equity deem appropriate.

Dated: December 11, 2013

SHAPIRO BROWN & ALT, LLP  
Attorneys for Movant

By: /s/ Susan C. Meyer  
Susan C. Meyer, Esquire, VSB #43445  
SHAPIRO BROWN & ALT, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462  
(757) 687-8777 09-174967D

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 701 East Broad Street, Room 4000, Richmond, VA 23219-3515, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: January 15, 2014 at 9:30 AM in Courtroom 5000, United States Bankruptcy Court, 701 East Broad Street, Richmond, VA 23219.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

Dated: December 11, 2013

SHAPIRO BROWN & ALT, LLP  
ATTORNEYS FOR THE MOVANT

/s/ Susan C. Meyer  
BY: Susan C. Meyer, Esquire, VSB #43445  
SHAPIRO BROWN & ALT, LLP  
236 Clearfield Avenue, Suite 215  
Virginia Beach, Virginia 23462  
(757) 687-8777 09-174967D  
Counsel for SUNTRUST MORTGAGE, INC.

Certificate of Service

I certify that I have this 11th day of December, 2013, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Yvonne Cochran  
Cochran Law Firm, PC  
4509 West Broad Street  
Richmond, VA 23230

Carl M. Bates  
Chapter 13 Trustee  
Post Office Box 1819  
Richmond, VA 23218

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/s/ Susan C. Meyer  
Susan C. Meyer, Esquire, VSB #43445

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